

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WACHOVIA SECURITIES, LLC,)	
)	
Plaintiff,)	8:06CV233
)	
v.)	
)	
MICHAEL J. RIDDLE,)	MEMORANDUM AND ORDER
)	
Defendant.)	
)	

This case is pending on a motion to dismiss. That motion is fully submitted. Defendant has filed a motion seeking a stay of the proceedings in this case pending the outcome of settlement negotiations and the pending appeal in a related case. Plaintiff opposes the motion.

First, ongoing settlement discussions do not provide good cause to further stay the case. While I did grant a stay earlier in this case, the parties have had more than ample time to complete their negotiations. There is no reason to think that delaying this case would enhance their settlement prospects.

The related case pending in the court of appeals (8:05CV87, docketed as case number 06-1177 in the court of appeals) was, according to the Eighth Circuit's docket sheet, to be fully briefed by June 1, 2006, although there is no notice of the appellee's reply brief having been filed. Even so, the case either is or will be soon fully submitted, and has been placed on the court's "no-argument" docket. Without addressing Wachovia's arguments concerning the merits of that appeal made in opposition to the motion for stay, it appears that the appeal will soon be decided.

The issue on the appeal in the companion case is whether this court erred in denying Mr. Riddle's claim for a vacation of the arbitrator's award. While a decision on that issue surely will have impact on the claim at issue in this case--whether Wachovia's request for confirmation of the arbitrator's award should be granted--it is conceivable that the decision of the court of appeals may not address Wachovia's claim at all.

This case has no extant deadlines or scheduling issues. I see no need to stay it pending resolution of the appeal in the companion case.

IT THEREFORE HEREBY IS ORDERED,

The motion for stay, filing 21, is denied.

DATED this 13th day of June, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge